

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF WISCONSIN

DAVID ELIJAH BOWERS, JR.,

Petitioner,

v.

Warden WILLIAM POLLARD,
Security Director PETER ERICKSEN,
Correctional Officer L.T. MARK LESATZ,
Correctional Officer TRAVIS S. CAUL,
District Attorney JOHN P. ZAKOWSKI,
Public Official DONALD ZULDMULDER,
State Agent NINUKA CANADY,
State Supervisor SARAH WATSON,
Assist. Attorney General FRANCIS X. SULLIVAN,
Public Official PAUL R. VAN GRUNSVEN,
Public Official MARK J. MCGINNIS,
Warden MICHAEL THURMER,
Security Director DON STRAHOTA and
Deputy Warden MICHAEL MEISNER,

Respondents.

ORDER

09-cv-52-bbc

In an order entered in this case on January 29, 2009, I told petitioner that before I could consider his request to proceed in forma pauperis he would have to submit a trust fund account statement covering the six-month period preceding the filing of his complaint so that

I could assess an initial partial payment of the \$350 fee for filing this case. Petitioner has submitted the requested statement. From the statement, I have calculated petitioner's initial partial payment to be \$1.72. Also, he must pay the remainder of the fee in monthly installments even if his request for leave to proceed is denied. If petitioner does not have the money to make the initial partial payment in his regular account, he will have to arrange with prison authorities to pay some or all of the assessment from his release account. This does not mean that petitioner is free to ask prison authorities to pay *all* of his filing fee from his release account. The only amount petitioner must pay at this time is the \$1.72 initial partial payment. Before prison officials take any portion of that amount from petitioner's release account, they may first take from petitioner's regular account whatever amount up to the full amount petitioner owes. Petitioner should show a copy of this order to prison officials to insure that they are aware they should send petitioner's initial partial payment to this court.

ORDER

IT IS ORDERED that petitioner is assessed \$1.72 as an initial partial payment of the \$350 fee for filing this case. He is to submit a check or money order made payable to the clerk of court in the amount of \$1.72 on or before February 26, 2009. If, by February 26, 2009, petitioner fails to make the initial partial payment or show cause for his failure to do

so, he will be held to have withdrawn this action voluntarily. In that event, the clerk of court is directed to close this file without prejudice to petitioner's filing his case at a later date.

Entered this 5th day of February, 2009.

BY THE COURT:

/s/

BARBARA B. CRABB
District Judge